

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/03220

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-3, 7-13 as originally filed
4-6 filed with telefax on 03.08.2004

Claims, Numbers

1-16 filed with telefax on 03.08.2004

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

Cited Documents:

- D1: EP-A-1 035 708 (IBM) 13 September 2000 (2000-09-13)
D2: MALKIN G: "RFC 2454: RIP Version 2" IETF RFC 2454, November 1998 (1998-11), XP002216843 Retrieved from the Internet:
URL:<http://www.faqs.org/ftp/rfc/pdf/rfc2453.txt.pdf> [retrieved on 2002-10-15]
D3: US 2001/055285 A1 (TOMOIKE HIROYUKI) 27 December 2001 (2001-12-27)
D4: CIUREJ R F ET AL: "IP ROUTER FAULT TOLERANCE IN THE IDEN PACKET DATA SYSTEM" MOTOROLA TECHNICAL DEVELOPMENTS, MOTOROLA INC. SCHAUMBURG, ILLINOIS, US, vol. 32, 1 September 1997 (1997-09-01), pages 145-150, XP000741165 ISSN: 0887-5286

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. The syntax of independent claims 1 and 16 render their subject-matter unclear (Article 6 PCT). The features originating from the originally filed dependent claims 2 and 3 (for claim 1) and 17 and 18 (for claim 14) seem to have been added to the original independent claims without taking into consideration any syntactical rule. The repetition of the independent claims in the description on pages 4 and 5 also misses syntactical logic.
2. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

a communication system comprising a first network for the communication of data according to a first protocol (Intranet 602 in Figure 6) and a second network for the communication according to a second protocol (Internet 604 in Figure 6); in which each network comprises at least one node (Web-browser 601 and Web-server 605), in which the system also comprises a plurality of communication interfaces for providing communication between a first node of the first network and a second node of the second network (firewalls 603);
in which each interface comprises means for sending values to the first node for indicating the availability of communication between that interface and the second node (answer to probes sent from client system 302, see column 11, lines 12-13 and 32-43);
in which the system comprises selection means for selecting one of the interfaces

for communicating data between the first node and the second node based on the values sent by the interfaces to the first node (selection of the "best" proxy server is done at the client, if the client itself is the autoproxy URL system, see column 11, lines 44-46).

The subject-matter of claim 1 differs mainly from this known system in that: each interface comprises means for detecting the selection of one of the plurality of interfaces and means for **modifying**, on selection of the selected interface, **the value sent to the first node**; and the selection means comprises means for **preferentially selecting an interface associated with the modified value**.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as guarantying the stability of the selection of the chosen interface, even if other interfaces advertise the same value, and would therefore be also eligible for selection. The system of claim 1 allows to "lock" the selection on the selected interface. It permits to avoid that packets be routed over a second interface, packets which would not be recognized in the case of a connection-oriented communication between the two nodes in the different networks.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

- there is no mention in D1 of modifying the system of D1 in order to "lock" the selection on the selected interface.
- in D2, the Routing Information Protocol (RIP) Version 2 is disclosed, which misses any consideration about "locking" the connection on a selected router.
- in D3 and D4 there is no mention either of the problem and/or of the solution provided by the application.

3. Claims 2-13 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step (Articles 32(2) and (3) PCT).
4. In independent method claim 14, the step of "providing a plurality of communication interfaces" renders the claim unclear (Article 6 PCT). Indeed, a method step should always define the function of a means, and not be used to introduce new parts of the system. Moreover, the formulation "providing"

only means supplying somebody with something and cannot be considered as a technical feature but as a human activity.

The "providing" step should therefore be removed and the various means necessary for carrying out the method be introduced in the preamble of the claims by a formulation which is clearly different from the one of a method step, using for example: "method for use in a system comprising..., the method being characterised by the following steps...".

5. Independent claim 14 is a representation of system claim 1 in terms of method steps.
Consequently, the subject-matter of independent claim 14 also meets the requirements of the PCT with respect to novelty and inventive step (Art. 32(2) and (3) PCT).
6. Claims 15-16 are dependent on claim 14 and as such also meet the requirements of the PCT with respect to novelty and inventive step (Art. 32(2) and (3) PCT).

Formal deficiencies in the international application:

- a. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- b. The independent claims are not in the two-part form required by Rule 6.3(b) PCT, with a preamble based on D1.
- c. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.
- d. The phrase "incorporated herein by reference" on page 2, lines 10-11 should be deleted as the application should be self-contained; such referenced documents are not regarded as part of the disclosure unless they contain matter essential to the invention, in which case the subject-matter in question would have to be incorporated into the description. This however is not the case here (see PCT Guidelines II-4.17).
- e. The first page of the description comprises internal information which are apparently only relevant to the applicant and should therefore be removed from the dossier. This page is furthermore not numbered, which contravenes Rule 11.7

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PCT.